

ROMAN SCHWARTZ, et al.,  
Plaintiffs,  
v.  
KEOLIS COMMUTER SERVICES, et al.,  
Defendants.

## June 28, 2017

The Court has reviewed the parties’ Joint Status Report (“JSR”; Doc. 40). Plaintiffs’ request in the JSR for deposition discovery is DENIED. Plaintiffs have not shown “very good reason” to “overcome the strong presumption” in ERISA cases against expanding the record beyond the information that was before the plan administrator. Liston v. Unum Corp. Officer Severance Plan, 330 F.3d 19, 23 (1st Cir. 2003). For example, Plaintiffs have not made “a colorable claim of bias” or of a conflict on the part of the plan administrator. Denmark v. Liberty Life Assur. Co. of Boston, 566 F.3d 1, 10 (1st Cir. 2009) (citation omitted).

Furthermore, Plaintiffs’ ten suggested topics for deposition discovery (Doc. 40-8) are the opposite of “modest, specifically targeted discovery,” and Plaintiffs have not sufficiently explained how discovery on any of those topics, much less all of them, may affect the outcome of this case. Id. (citation omitted). Finally, the Court notes that at least one of the pieces of information that Plaintiffs claim they “still do not know” – i.e., “what documents Keolis sent to Unum concerning Mrs. Schwartz’s enrollment” – is something they do know, as Defendants

were already ordered to produce “all written documents or communication regarding supplemental life insurance, specifically as it relates to the decedent.” Doc. 40 at 1-2; Doc. 34 at 2. For all these reasons, the Court has insufficient basis to allow Plaintiffs’ request for deposition discovery.

Defendants shall file their dispositive motion(s) by July 31, 2017. Plaintiffs shall file their combined opposition/cross-motion by August 31, 2017. Defendants’ combined reply/opposition is due September 15, 2017, and Plaintiffs’ combined surreply/reply is due September 29, 2017. The parties shall follow this Session’s Standing Order regarding briefing summary judgment motions,<sup>1</sup> except any provisions that are inconsistent with the instant Order.

SO ORDERED.

/s/ Leo T. Sorokin  
Leo T. Sorokin  
United States District Judge

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<sup>1</sup> The Standing Order is available at: [http://www.mad.uscourts.gov/boston/pdf/sorokin/LTS\\_SO\\_SumJgmt.pdf](http://www.mad.uscourts.gov/boston/pdf/sorokin/LTS_SO_SumJgmt.pdf).